

REMARKSClaim Rejections - 35 USC § 103

The Examiner has rejected claims 1-10, 12-18, 20-25, and 27-33 under 35 U.S.C. 103(a) as being unpatentable over Noren *et al.* (U.S. Patent No. 6,446,091) (hereinafter "Noren"), Montville *et al.* (U.S. Patent No. 6,356, 937) (hereinafter "Montville"), and Furusawa *et al.* (U.S. Patent No. 6,356,937) (hereinafter "Furusawa"). Rather than argue with the Examiner over the sufficiency of the teachings within Noren or argue with the Examiner over the sufficiency of any motivation to combine any teachings within Noren with the teachings in Furusawa and Montville, the Applicants point out the fact that Noren is based upon an application filed on July 29, 1999. The current application itself possesses a priority date of September 28, 1999. The Applicants reserve the right to argue over these references at a later date, if needed.

The Applicants now submit Declarations under 37 C.F.R. 1.131 in which they maintain that they invented the claimed subject matter before the filing date of the Noren patent application. (See Declarations of Peter Mansour and Roman Sherman attached hereto and incorporated herein). As such, the Applicants maintain that Noren is not properly prior art to the invention recited in the pending claims. Without the teachings relied upon by the Examiner as noted above, the rejection of the claims under 35 U.S.C. 103 is not proper and is now moot. As such, the Applicants respectfully request the rejection under 35 U.S.C. 103 be withdrawn.

Claims 2-10, 13-18, 21-25, and 28-33 depend from allowable independent claims 1, 12, 20, and 27, respectfully. For at least this reasons, claims 2-10, 13-18, 21-25, and 28-33 are allowable as well.

The Examiner has rejected claims 11, 19, 26, and 34 under 35 U.S.C. 103(a) as being unpatentable over Noren, Montville, and Furusawa and further in view of Birrell *et al.* (U.S. Patent No. 6,092,101) (hereinafter "Birrell"). Rather than argue with the Examiner over the sufficiency of the teachings within Noren or argue with the Examiner over the sufficiency of any motivation to combine any teachings within Noren with the teachings in Furusawa, Montville, and Birrell, the Applicants again point out the fact that Noren is based upon an application filed on July 29, 1999. The current application itself possesses a priority date of September 28, 1999. The Applicants reserve the right to argue over these references at a later date, if needed.

In view of the above noted and submitted Declarations under 37 C.F.R. 1.131, the Applicants maintain that Noren is not properly prior art to the invention recited in the pending claims. Without the teachings relied upon by the Examiner as noted above, the rejection of the claims under 35 U.S.C. 103 is not proper and is now moot. As such, the Applicants respectfully request the rejection under 35 U.S.C. 103 be withdrawn.

Conclusion

In view of the above, it is submitted that all claims are in condition for allowance. Applicants request reconsideration, withdrawal of the rejections, and a Notice of Allowance.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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